

Exhibit

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C&S Logistics of Hawai`i, LLC,
C&S Wholesale Grocers, Inc.,
C&S Acquisitions, LLC,
ES3, LLC and Richard Cohen

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawai`i citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,
INC., et al.,

Defendants.

-) CIVIL No. CV03-00385 SOM-LEK
-) (Copyright)
-)
-) ORDER GRANTING DEFENDANTS
-) C&S LOGISTICS OF HAWAII, LLC,
-) C&S WHOLESALE GROCERS, INC.,
-) C&S ACQUISITIONS, LLC, ES3, LLC
-) AND RICHARD COHEN'S EX PARTE
-) MOTION FOR EXAMINATION OF
-) JUDGMENT DEBTOR WAYNE
-) BERRY

ORDER GRANTING DEFENDANTS C&S LOGISTICS OF HAWAII,
LLC, C&S WHOLESALE GROCERS, INC., C&S ACQUISITIONS, LLC,
ES3, LLC AND RICHARD COHEN'S EX PARTE MOTION FOR
EXAMINATION OF JUDGMENT DEBTOR WAYNE BERRY

THE STATE OF HAWAII

TO THE SHERIFF of the State of Hawai`i or his Deputy, or any Police Officer in the State of Hawai`i:

YOU ARE HEREBY COMMANDED to serve the foregoing documents on the following person:

Wayne F. Berry

Plaintiff and Judgment Debtor above-named:

Upon motion and supporting declaration of the above-named Defendant and Counterclaimant and upon showing made,

IT IS HEREBY ORDERED that Wayne F. Berry, as judgment debtor, be and appear personally before the Honorable Leslie Kobayashi, in her courtroom at the United States District Court for the District of Hawai`i, 300 Ala Moana Boulevard, Honolulu, Hawai`i, at 9:00 o'clock a.m. on **June 28, 2007**, then and there to be examined as to any and all property you may own, possess or have an interest in and what debts you owe and are owing to you, and to bring with you all books, papers, and documents that you have showing or tending to show what property you own, possess or have an interest in and what debts you owe and are owing to you, including without

limitation copies of your most recent federal and state tax returns and the items listed on Exhibit "A" attached hereto.

DATED: Honolulu, Hawai`i, May 30, 2007.



/S/ Leslie E. Kobayashi

Leslie E. Kobayashi
United States Magistrate Judge

Berry v. Hawaiian Express Service, Inc., et al., Civ. No. 03-00385
SOM/LEK; Order Granting Defendants C&S Logistics Of Hawai`i, LLC, C&S Wholesale Grocers, Inc., C&S Acquisitions, LLC, ES3, LLC And Richard Cohen's Ex Parte Motion For Examination Of Judgment Debtor Wayne Berry

EXHIBIT "A"

1. Judgment Debtor WAYNE BERRY's (herein referred to as "Judgment Debtor," "you" or "your") state and federal tax returns for the past five years.
2. All bank statements or reports with respect to a checking account, savings account, money market account or other bank account of any nature in your name or to which you are signatory for the past five years.
3. All evidence of ownership of any interest in a mutual fund or similar investment fund that you currently hold or have held in the past 5 years.
4. All stocks, bonds or equities in which you have an interest or evidence of ownership of any such stocks, bonds or equities that you currently own or have owned in the past 5 years.
5. Any and all financial statements with respect to your financial status prepared for or submitted to any person or entity in the last five years.
6. All certificates of deposit in which you have an interest or evidence of ownership of any such certificates of deposit that you currently hold or have held in the past 5 years.
7. All titles and registrations of any motor vehicles or recreational vehicles including airplanes and boats in which you currently hold an interest or in which you have held in the past 5 years.
8. All deeds, contracts or other evidence of ownership in real property in which you currently hold or have held an interest in the past five years.
9. All universal or whole life insurance policies insuring your life for the past five years.
10. All documentation pertaining to any accounts receivable or notes receivable from any person or entity to you.
11. All check stubs, cancelled checks, ledgers or other documentation illustrating any wage, salary or other form of compensation you have received in the past five years.

12. Pleadings containing the full case caption of any lawsuit to which you have been a party in the past five years.
13. All lease agreements or other contracts providing for payment of any monetary sums to you from any individual or entity.
14. All qualified retirement plans in which you have an interest, or that have been adopted by your employer, including but not limited to all 401(k) plans, profit-sharing plans, pension plans and simplified employee pension (SEP) plans.
15. The most recent statements indicating the account balances and showing your interests in all plans identified in Request No. 14.
16. Copies of all non-qualified deferred compensation plans.
17. All stock certificates in corporations of which you are a record holder of any stock.
18. All balance sheets, income and expense statements and other corporate documents of the corporations in which you hold stock in accordance with Request No. 17.
19. All documents indicating any interest in which you may have or evidence of ownership in any individual retirement accounts (IRA).
20. All trust documents by which you have transferred money or property to any trusts within the last five years.
21. All documents that indicate any transfer of title of any assets by you within the last five years.
22. All documents that indicate any transfer of any real property by you within the last five years.
23. All gift tax returns filed by you for the past five years.
24. All partnership agreements in which you are either a general partner or limited partner.
25. Any and all contracts between Judgment Debtor and any other person (including but not limited to governmental entities) for any work performed by Judgment Debtor under which Judgment Debtor is owed any monies.

26. Any and all contracts between Judgment Debtor and any other person (including but not limited to governmental entities) for any work currently being performed by Judgment Debtor.